

REMARKS

Claims 1-28 remain in the application. The claims have been carefully reviewed with particular attention to the points raised in the Office Action. It is submitted that no new matter has been added and no new issues have been raised by the present Request For Reconsideration.

Reconsideration is respectfully requested of the rejection of claims 1, 3, 8-11, 13, 18-21 and 28 under 35 U.S.C. § 102(e), as allegedly being anticipated by U.S. Patent Publication No. 2002/0196227 to Surloff et al.

Applicant has carefully considered the comments of the Office Action and the cited reference, and respectfully submits that independent claims 1, 11, 21 and 28, and the claims depending therefrom, are patentably distinct over the cited reference for at least the following reasons.

The present invention relates to a system for automatic connection to a network. The system also relates to an online advertisement system and to management of digital rights of digital content over the network. The system includes a data card, a data card reader, a data processor and an application program residing in a memory of the data card. The data card may contain user information, including digital rights information. The data card reader may access the user information on the data card, and the

data processor may be connected to the network. The application program can be configured to operate in conjunction with a universal language for creating and controlling digital rights, to manage user rights of digital content available on the network based upon the digital rights information contained on the data card.

It is noted that the Office Action identifies U.S. Patent Application Publication No. 2002/0196227 to Surloff et al. as the basis for rejection, however, the Office Action appears to cite paragraph numbers from U.S. Patent Application Publication No. 2002/0174231 to Surloff et al. Applicant has based his remarks on U.S. Patent Application Publication No. 2002/0196227 as it was identified as the basis for rejection. The substance of the paragraphs cited in the Office Action appears to be the same in both publications.

Surloff et al., as understood by Applicant, relates to a method and apparatus for providing simplified access to the Internet, and for providing improved management of a user's Internet experience. The system includes a computer system 110 having a monitor 112, a CPU housing 114, a keyboard 116, a mouse 118 and a mouse pad 120. The computer system may be coupled to the Internet through an Internet service provider (ISP) using one of a number of known Internet browser applications. The system also includes web servers 122, 124 and 125 that are also coupled to the

Internet and accessible by the computer system 110 over the internet. Alternatively, the computer system 110 can be coupled directly to the web server 122. See Surloff et al., paragraph 23.

Surloff et al. discloses that a smart card may be used with the mouse pad 120 and computer system 110 to provide advantages and to simplify access to the internet and the e-commerce process. A user of the computer system 110 may access the internet by first placing the user's smart card in the slot 28 of the mouse pad. The system is then able to identify the user based on information stored in the smart card. Once the user is authenticated, the user may press one of the previously described buttons on the mouse pad to access the internet and purchase goods and services. The smart card of Surloff et al. may also include demographic information about the user to allow web sites to tailor advertising to the user. The smart card may also be used to store coupons or gift certificates for use by the user at e-commerce sites. See Surloff et al., paragraphs 73-75.

That is, as understood by Applicant, the smart card in Surloff et al. may be used to identify a user and allow the user access to the internet. The user may then purchase goods and services via the internet.

In contrast, the system of the present application includes a data card having a memory component and an application program resident in the memory component of the data card where the

application program is configured to operate in conjunction with a universal language for creating and controlling digital rights. See present specification, p. 24, line 29 to p. 25, line 5.

The user information of the present invention includes digital rights information specific to the user, and the application program resident on the memory component of the data card operates to manage user rights of digital content available on the network based on the user-specific digital rights. See *id.*, p. 24, line 15 to p. 26, line 16.

More specifically, the application program resident on the memory component of the data card is configured to operate in conjunction with a universal language for creating and controlling digital rights to manage user rights of the digital content available on the network based on the digital rights information specific to the user. See *id.*, p. 24, line 29 to p. 25, line 3.

Surloff et al. fails to show or suggest an application program resident on the memory component of the data card, the application program being configured to operate in conjunction with a universal language for creating and controlling digital rights, to manage user rights of the digital content available on the network based on the digital rights information specific to the user which is contained in the card as substantially recited in claim 1 of the present application, for example.

Furthermore, the smart card of Surloff et al. does not contain

an application program which operates in conjunction with a universal language for creating and controlling digital rights.

The Office Action contends that the goods and services that the user may purchase on the internet are digital content and that rights to the content are managed based on the authentication of the user. However, as described above, Surloff et al. simply describes identifying the user based on a smart card and allowing an authenticated user to access the internet. Surloff et al. makes no mention at all of a universal language for creating and controlling digital rights, much less an application program which operates in conjunction with a universal language for creating and controlling digital rights.

As understood by Applicant, Surloff et al. fails to disclose or suggest a system for managing digital rights of digital content over a network, comprising a data card which contains user information including digital rights information specific to a user, the data card having a memory component for enabling information to be stored within the data card, a data card reader adapted to access the user information contained on the data card when the data card is in communication therewith, a data processor in communication with the data card reader and adapted to be connected to the network, and an application program resident on the memory component of the data card, the application program being configured to operate in conjunction with a universal

language for creating and controlling digital rights, to manage user rights of digital content available on the network based on the digital rights information specific to the user which is contained on the data card, as described above and as substantially recited in independent claim 1 of the present application.

Accordingly, for at least the above-stated reasons, it is respectfully submitted that independent claim 1 is patentable over the cited reference. Independent claim 11, is believed to be patentable over the cited reference for at least similar reasons. Independent claim 21 is also believed to be patentable over the cited reference for at least similar reasons. Independent claim 28 is also believed to be patentable over the cited reference for at least similar reasons.

Reconsideration is respectfully requested of the rejection of claims 2, 4-7, 12, 14-17, 22 and 24-27 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Surloff et al. in view of U.S. Patent No. 6,401,239 to Miron.

Applicant has carefully considered the comments of the Office Action and the cited references, and respectfully submits that claims 2, 4-7, 12, 14-17, 22 and 24-27 are patentably distinct over the cited references for at least the following reasons.

The Office Action concedes that Surloff et al. fails "to specifically teach the digital content being in the form of software" and that Surloff et al. also fails "to teach the personal

identification information including a user name." See Office Action, page 6. Miron is cited as allegedly showing these missing elements. Applicant respectfully disagrees.

Miron, as understood by Applicant, relates to a system for transferring a delta file from a first computer to a second computer that includes a delta builder on the first computer, a download manager, and a restorer on the second computer. The first computer has a first version of a file and a second version of the file, and the second computer has the first version of the file. The delta builder generates the delta file from the first and second versions on the first computer. The download manager transfers the delta file from the first computer to the second computer. The restorer generates the second version from the first version on the second computer and the transferred delta file. See Miron, Abstract.

As noted above, it is believed that Surloff et al. fails to show or suggest the system for managing digital rights recited in claim 1 of the present application. Further, Miron, either alone or in combination with Surloff et al. fails to show or suggest a system for managing digital rights of digital content over a network, comprising a data card which contains user information including digital rights information specific to a user, the data card having a memory component for enabling information to be stored within the data card, a data card reader adapted to access

the user information contained on the data card when the data card is in communication therewith, a data processor in communication with the data card reader and adapted to be connected to the network, and an application program resident on the memory component of the data card, the application program being configured to operate in conjunction with a universal language for creating and controlling digital rights, to manage user rights of digital content available on the network based on the digital rights information specific to the user which is contained on the data card, as described above and as substantially recited in independent claim 1 of the present application.

Accordingly, for at least the above-stated reasons, it is respectfully submitted that independent claim 1, and the claims depending therefrom, including claims 2 and 4-7 are patentable over the cited references. Independent claim 11, and the claims depending therefrom, including claims 12 and 14-17, are believed to be patentable over the cited references for at least similar reasons. Independent claim 21, and the claims depending therefrom, including claims 22 and 24-27, are believed to be patentable over the cited references for at least similar reasons.

Should the Examiner disagree, it is respectfully requested that the Examiner specify where in the cited document there is a basis for such disagreement.

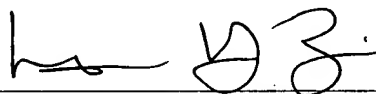
The Office is hereby authorized to charge any fees which may

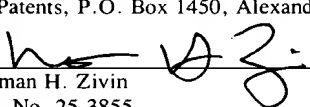
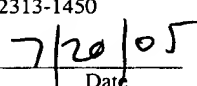
64482

be required in connection with this Request For Reconsideration and to credit any overpayment to Deposit Account No. 03-3125.

Favorable reconsideration is earnestly solicited.

Dated: July 20, 2005



I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
 Norman H. Zivin Reg. No. 25,3855	 Date

Norman H. Zivin
Reg. No. 25,385
c/o Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036
(212)278-0400
Attorney for Applicant